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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,135	08/06/2003	Scott Anthony Boynton	2705-280	3391
20575	7590	02/13/2006		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204				
EXAMINER WEINMAN, SEAN M				
ART UNIT		PAPER NUMBER		
2115				

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/636,135

Applicant(s)

BOYNTON ET AL.

Examiner

Sean Weinman

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/6/03 - 1/28/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference character 48 in Figure 7 is not mentioned in the description of the application. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 8 is objected to because of the following informalities: Claim 8 recites "the outgoing power at a first level substantially equal to the power from the incoming power port..." and it is believed that claim 8 was intended to refer to the "outgoing power port at a first level substantially equal to the power from the incoming power port..." and has

been treated as such for the remainder of this Office action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 5, 6, 12, 13, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 5 recites the limitation "the predetermined level" on page 10 line 17. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 6 recites the limitation "the power" on page 10 line 21. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 12 recites the limitation "the first power level" on page 11 line 24. There is insufficient antecedent basis for this limitation in the claim. Additionally, Claim 12 recites the limitation "the second power level" on page 11 line 26. There is insufficient antecedent basis for this limitation in the claim. Additionally, Claim 12 recites "an power storage system" on page 11 line 26. It is unclear whether this is intended to be the same as or different from the "power storage system" of Claim 10 on page 11 line 14.

9. Claim 13 recites the limitation "the first power level" on page 12 line 1. There is insufficient antecedent basis for this limitation in the claim. Additionally, Claim 13 recites the limitation "the second power level" on page 12 line 2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 17 recites "a second level" on page 12 line 11 and 12. It is unclear whether these are intended to be the same as or different from the "second level" recited in claim 16 on page 12 line 9.

11. Claim 18 recites "an internal circuit" on page 12 line 14 and 15. It is unclear whether these are intended to be the same as or different from the "internal circuit" recited in claim 16 on page 12 line 10. Additionally, claim 18 recites "a third level" on page 12 lines 14 and 15. It is unclear whether these are intended to be the same as or different from the "third level" recited in claim 16 on page 12 line 10.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US Patent Application Publication US 2002/0145338 A1) in view of Fouldadpour (US Patent US 6,608,264).

14. As per claim 1, Stevens teaches the invention comprising:

an incoming power port (Figures 1-3 Reference characters 1 and 2 and Paragraphs [0016] and [0017];

an outgoing power port (Figures 1 Reference characters 5 and 6 and Paragraph [0016];

a internal circuit (Figure 1 Reference character 17 and Claim 1);

and a power storage system connected to the incoming power port, the outgoing power port and the internal circuit (Figure 1 Reference character 3 and Claim 1).

15. Stevens does not teach that the power system is a network device, which has the incoming power and outgoing power fed and delivered through an Ethernet cable.

Specifically, Stevens teaches a power system having an incoming power port, outgoing power port, an internal circuit, and a power storage medium (battery) connected to each component. However, Stevens fails to detail that the power system is a network device having the incoming power fed from an Ethernet cable and the outgoing power delivered through an Ethernet cable. One of ordinary skill in the art would have been motivated to look for a teaching for a power system being a network device and the incoming and outgoing power being fed and delivered by an Ethernet network.

16. Fouldadpour teaches a power system being a network device having an incoming power port and an outgoing power port fed from an Ethernet cable having an alternative power source (battery) so that the Ethernet cable selectively deliver power through the network. Fouldapour teaches an incoming power port; an outgoing power port; and a power storage system connected to the incoming power port and the outgoing power port (Col. 4 lines 31-44). In summary, Fouldapour teaches a network device having incoming and outgoing power ports being fed and delivered through an Ethernet network and also having a battery as an alternative power source.

17. It would have been obvious to one of ordinary skill in the art to combine the teachings of Stevens and Foudlapour because they both teach power systems having incoming and outgoing power ports and also have alternative power sources that can

selectively deliver power. Fouldapour covers the deficiency of Stevens by teaching that that the power system is a network device having a incoming power port and an outgoing power port fed from an Ethernet cable having an alternative power source (battery) so that the Ethernet cable selectively deliver power through the network.

18. As per claim 2, Stevens teaches the invention comprising:

a power regenerator between the power storage system and the outgoing power port (Figure 2 Reference character 17 and Paragraph [0017]).

19. Claims 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US Patent Application Publication US 2002/0145338 A1) in view of Fouldadpour (US Patent US 6,608,264) as applied to claim 1 above, and further in view of Elkayam et al.

20. As per claim 3 and 6, Stevens and Fouldapour teaches the network power system device for all of the reasons stated for claim 1 above. Stevens teaches that the network device as stated in claim 1 above and additionally teach that the power storage system is charged when possible and that the internal circuit is powered by the incoming power as well as the power storage system (Paragraphs [0017], [0022] and [0020]). Additionally, Stevens teaches to charge the power storage system whenever possible (Paragraph [0021]). Stevens and Fouldapour fail to detail a power detection and dividing circuit monitor and provide the power supplied throughout the system.

21. Elkayam et al. teach a network device having power system having an incoming power and an outgoing power delivered through an Ethernet network additionally having a power distribution and control circuit that regulates the incoming power and generate

power for the respective loads of the system. Elkayam et al. teaches the power detection and divider circuit to: monitor the power needed at the outgoing power port; provide the power needed at the outgoing power port (Paragraph [0010] and Claim 1). In summary, Elkayam et al. a power system having an incoming and outgoing power delivered through and Ethernet network having a power distribution and control circuit, which monitors and delivers the power needed throughout the power system.

22. It would have been obvious to one of ordinary skill in the art to combine the teachings of Stevens, Fouldapour, and Elkayam et al. because they all teach power systems having incoming and outgoing power ports and also have alternative power sources that can selectively deliver power. Elkayam et al. teaches the deficiency of Stevens and Fouldapour by teaching power detection and divider circuit monitors and provides the power needed throughout the power system.

23. As per claim 4, Stevens and Fouldapour, teach the claimed invention comprising the power storage system to: receive power from the incoming power port; power the internal circuit; and provide power to the outgoing power port for all of the reasons stated above. Elkayam et al. teaches the deficiency of Stevens and Fouldapour of providing the power at a predetermined level to the outgoing power port by teaching power detection and divider circuit monitors and provides the power needed at the outgoing power port (Paragraph [0010] and Claim 1).

24. As per claim 5, Elkayam et al. teach the claimed invention comprising the power regenerator to provide power at the predetermined level to the outgoing power port and the internal circuit from the power storage system (Paragraph [0010] and Claim 1).

25. As per claim 7, Stevens, Fouldapour, and Elkayam et al. teach the claimed invention comprising an incoming power port; an outgoing power port; an internal circuit; for the reasons stated above. Elkayam et al. teaches the deficiency of Stevens and Fouldapour by a power splitter (the power distribution and control circuit) to divide power from the incoming power port, provide power to the outgoing power port and to power the internal circuit (Paragraph [0010] and Claim 1).

26. As per claim 8 and 9, Elkayam et al. teaches the claimed invention comprising the power splitter to provide power to the outgoing power at a first level substantially equal to the power from the incoming power port and to power the internal circuit at a second level substantially equal to the first level (Paragraph [0010], [0075], and [0076] and Claim 1. Elkayam does not specifically teach a first and second power level. Elkayam teaches the power distribution and control circuit to regulate and output the respective voltages to the powered devices.).

27. As per claims 10-18, it is directed to the method of providing power through the network power systems as set forth in claims 1-9. Since Stevens, Fouldapour, and Elkayam et al. teach the claimed network power system, Stevens, Fouldapour, and Elkayam et al. teach the method of providing power through the network power system.

Conclusion

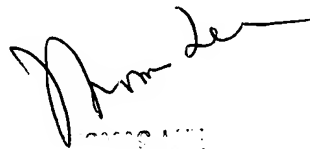
28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Weinman whose phone number is (571) 272-2744. The examiner can normally be reached on Monday-Friday from 8:00-4:30.

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29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sean Weinman
Examiner
Art Unit 2115



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